

1           **TITLE \_\_\_\_—CHILDREN’S**  
2           **INTERNET PROTECTION**

3   **SEC. \_\_\_\_01. SHORT TITLE.**

4           This title may be cited as the “Children’s Internet  
5 Protection Act”.

6   **SEC. \_\_\_\_02. DISCLAIMERS.**

7           (a) **DISCLAIMER REGARDING CONTENT.**—Nothing in  
8 this title or the amendments made by this title shall be  
9 construed to prohibit a local educational agency, elemen-  
10 tary or secondary school, or library from blocking access  
11 on the Internet on computers owned or operated by that  
12 agency, school, or library to any content other than con-  
13 tent covered by this title or the amendments made by this  
14 title.

15          (b) **DISCLAIMER REGARDING PRIVACY.**—Nothing in  
16 this title or the amendments made by this title shall be  
17 construed to require the tracking of Internet use by any  
18 identifiable minor or adult user.

19   **SEC. \_\_\_\_03. STUDY OF TECHNOLOGY PROTECTION MEAS-**  
20   **URES.**

21          (a) **IN GENERAL.**—Not later than 18 months after  
22 the date of the enactment of this Act, the National Tele-  
23 communications and Information Administration shall ini-  
24 tiate a notice and comment proceeding for purposes of—



1 (1) evaluating whether or not currently avail-  
2 able technology protection measures, including com-  
3 mercial Internet blocking and filtering software, ade-  
4 quately addresses the needs of educational institu-  
5 tions;

6 (2) making recommendations on how to foster  
7 the development of measures that meet such needs;  
8 and

9 (3) evaluating the development and effective-  
10 ness of local Internet safety policies that are cur-  
11 rently in operation after community input.

12 (b) DEFINITIONS.—In this section:

13 (1) TECHNOLOGY PROTECTION MEASURE.—The  
14 term “technology protection measure” means a spe-  
15 cific technology that blocks or filters Internet access  
16 to visual depictions that are—

17 (A) obscene, as that term is defined in sec-  
18 tion 1460 of title 18, United States Code;

19 (B) child pornography, as that term is de-  
20 fined in section 2256 of title 18, United States  
21 Code; or

22 (C) harmful to minors.

23 (2) HARMFUL TO MINORS.—The term “harmful  
24 to minors” means any picture, image, graphic image  
25 file, or other visual depiction that—



1 (A) taken as a whole and with respect to  
2 minors, appeals to a prurient interest in nudity,  
3 sex, or excretion;

4 (B) depicts, describes, or represents, in a  
5 patently offensive way with respect to what is  
6 suitable for minors, an actual or simulated sex-  
7 ual act or sexual contact, actual or simulated  
8 normal or perverted sexual acts, or a lewd exhi-  
9 bition of the genitals; and

10 (C) taken as a whole, lacks serious literary,  
11 artistic, political, or scientific value as to mi-  
12 nors.

13 (3) SEXUAL ACT; SEXUAL CONTACT.—The  
14 terms “sexual act” and “sexual contact” have the  
15 meanings given such terms in section 2246 of title  
16 18, United States Code.

17 **Subtitle A—Federal Funding for**  
18 **Educational Institution Computers**

19 **SEC. \_\_\_11. LIMITATION ON AVAILABILITY OF CERTAIN**  
20 **FUNDS FOR SCHOOLS.**

21 Title III of the Elementary and Secondary Education  
22 Act of 1965 (20 U.S.C. 6801 et seq.) is amended by add-  
23 ing at the end the following:



1       **“PART F—LIMITATION ON AVAILABILITY OF**  
2                   **CERTAIN FUNDS FOR SCHOOLS**

3       **“SEC. 3601. LIMITATION ON AVAILABILITY OF CERTAIN**  
4                   **FUNDS FOR SCHOOLS.**

5       “(a) INTERNET SAFETY.—

6               “(1) IN GENERAL.—No funds made available  
7               under this title to a local educational agency for an  
8               elementary or secondary school that does not receive  
9               services at discount rates under section 254(h)(5) of  
10              the Communications Act of 1934, as added by sec-  
11              tion \_\_\_\_21 of Children’s Internet Protection Act,  
12              may be used to purchase computers used to access  
13              the Internet, or to pay for direct costs associated  
14              with accessing the Internet, for such school unless  
15              the school, school board, local educational agency, or  
16              other authority with responsibility for administration  
17              of such school both—

18               “(A)(i) has in place a policy of Internet  
19               safety for minors that includes the operation of  
20               a technology protection measure with respect to  
21               any of its computers with Internet access that  
22               protects against access through such computers  
23               to visual depictions that are—

24                       “(I) obscene;

25                       “(II) child pornography; or

26                       “(III) harmful to minors; and



1           “(ii) is enforcing the operation of such  
2 technology protection measure during any use  
3 of such computers by minors; and

4           “(B)(i) has in place a policy of Internet  
5 safety that includes the operation of a tech-  
6 nology protection measure with respect to any  
7 of its computers with Internet access that pro-  
8 tects against access through such computers to  
9 visual depictions that are—

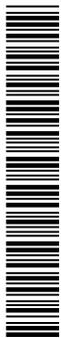
10                   “(I) obscene; or

11                   “(II) child pornography; and

12           “(ii) is enforcing the operation of such  
13 technology protection measure during any use  
14 of such computers.

15           “(2) TIMING AND APPLICABILITY OF IMPLE-  
16 MENTATION.—

17           “(A) IN GENERAL.—The local educational  
18 agency with responsibility for a school covered  
19 by paragraph (1) shall certify the compliance of  
20 such school with the requirements of paragraph  
21 (1) as part of the application process for the  
22 next program funding year under this Act fol-  
23 lowing the effective date of this section, and for  
24 each subsequent program funding year there-  
25 after.

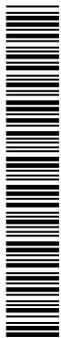


1 “(B) PROCESS.—

2 “(i) SCHOOLS WITH INTERNET SAFE-  
3 TY POLICIES AND TECHNOLOGY PROTEC-  
4 TION MEASURES IN PLACE.—A local edu-  
5 cational agency with responsibility for a  
6 school covered by paragraph (1) that has  
7 in place an Internet safety policy meeting  
8 the requirements of paragraph (1) shall  
9 certify its compliance with paragraph (1)  
10 during each annual program application  
11 cycle under this Act.

12 “(ii) SCHOOLS WITHOUT INTERNET  
13 SAFETY POLICIES AND TECHNOLOGY PRO-  
14 TECTION MEASURES IN PLACE.—A local  
15 educational agency with responsibility for a  
16 school covered by paragraph (1) that does  
17 not have in place an Internet safety policy  
18 meeting the requirements of paragraph  
19 (1)—

20 “(I) for the first program year  
21 after the effective date of this section  
22 in which the local educational agency  
23 is applying for funds for such school  
24 under this Act, shall certify that it is  
25 undertaking such actions, including

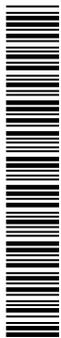


1 any necessary procurement proce-  
2 dures, to put in place an Internet  
3 safety policy that meets such require-  
4 ments; and

5 “(II) for the second program  
6 year after the effective date of this  
7 section in which the local educational  
8 agency is applying for funds for such  
9 school under this Act, shall certify  
10 that such school is in compliance with  
11 such requirements.

12 Any school covered by paragraph (1) for  
13 which the local educational agency con-  
14 cerned is unable to certify compliance with  
15 such requirements in such second program  
16 year shall be ineligible for all funding  
17 under this title for such second program  
18 year and all subsequent program years  
19 until such time as such school comes into  
20 compliance with such requirements.

21 “(iii) WAIVERS.—Any school subject  
22 to a certification under clause (ii)(II) for  
23 which the local educational agency con-  
24 cerned cannot make the certification other-  
25 wise required by that clause may seek a



1 waiver of that clause if State or local pro-  
2 curement rules or regulations or competi-  
3 tive bidding requirements prevent the mak-  
4 ing of the certification otherwise required  
5 by that clause. The local educational agen-  
6 cy concerned shall notify the Secretary of  
7 the applicability of that clause to the  
8 school. Such notice shall certify that the  
9 school will be brought into compliance with  
10 the requirements in paragraph (1) before  
11 the start of the third program year after  
12 the effective date of this section in which  
13 the school is applying for funds under this  
14 title.

15 “(3) DISABLING DURING CERTAIN USE.—An  
16 administrator, supervisor, or person authorized by  
17 the responsible authority under paragraph (1) may  
18 disable the technology protection measure concerned  
19 to enable access for bona fide research or other law-  
20 ful purposes.

21 “(4) NONCOMPLIANCE.—

22 “(A) USE OF GENERAL EDUCATION PROVI-  
23 SIONS ACT REMEDIES.—Whenever the Secretary  
24 has reason to believe that any recipient of funds  
25 under this title is failing to comply substantially



1 with the requirements of this subsection, the  
2 Secretary may—

3 “(i) withhold further payments to the  
4 recipient under this title,

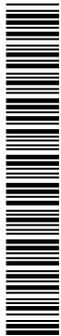
5 “(ii) issue a complaint to compel com-  
6 pliance of the recipient through a cease  
7 and desist order, or

8 “(iii) enter into a compliance agree-  
9 ment with a recipient to bring it into com-  
10 pliance with such requirements,

11 in same manner as the Secretary is authorized  
12 to take such actions under sections 455, 456,  
13 and 457, respectively, of the General Education  
14 Provisions Act (20 U.S.C. 1234d).

15 “(B) RECOVERY OF FUNDS PROHIBITED.—  
16 The actions authorized by subparagraph (A)  
17 are the exclusive remedies available with respect  
18 to the failure of a school to comply substantially  
19 with a provision of this subsection, and the Sec-  
20 retary shall not seek a recovery of funds from  
21 the recipient for such failure.

22 “(C) RECOMMENCEMENT OF PAYMENTS.—  
23 Whenever the Secretary determines (whether by  
24 certification or other appropriate evidence) that  
25 a recipient of funds who is subject to the with-



1 holding of payments under subparagraph (A)(i)  
2 has cured the failure providing the basis for the  
3 withholding of payments, the Secretary shall  
4 cease the withholding of payments to the recipi-  
5 ent under that subparagraph.

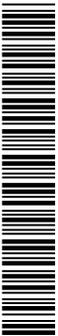
6 “(5) DEFINITIONS.—In this section:

7 “(A) COMPUTER.—The term ‘computer’  
8 includes any hardware, software, or other tech-  
9 nology attached or connected to, installed in, or  
10 otherwise used in connection with a computer.

11 “(B) ACCESS TO INTERNET.—A computer  
12 shall be considered to have access to the Inter-  
13 net if such computer is equipped with a modem  
14 or is connected to a computer network which  
15 has access to the Internet.

16 “(C) ACQUISITION OR OPERATION.—A ele-  
17 mentary or secondary school shall be considered  
18 to have received funds under this title for the  
19 acquisition or operation of any computer if such  
20 funds are used in any manner, directly or  
21 indirectly—

22 “(i) to purchase, lease, or otherwise  
23 acquire or obtain the use of such com-  
24 puter; or



1           “(ii) to obtain services, supplies, soft-  
2           ware, or other actions or materials to sup-  
3           port, or in connection with, the operation  
4           of such computer.

5           “(D) MINOR.—The term ‘minor’ means an  
6           individual who has not attained the age of 17.

7           “(E) CHILD PORNOGRAPHY.—The term  
8           ‘child pornography’ has the meaning given such  
9           term in section 2256 of title 18, United States  
10          Code.

11          “(F) HARMFUL TO MINORS.—The term  
12          ‘harmful to minors’ means any picture, image,  
13          graphic image file, or other visual depiction  
14          that—

15                 “(i) taken as a whole and with respect  
16                 to minors, appeals to a prurient interest in  
17                 nudity, sex, or excretion;

18                 “(ii) depicts, describes, or represents,  
19                 in a patently offensive way with respect to  
20                 what is suitable for minors, an actual or  
21                 simulated sexual act or sexual contact, ac-  
22                 tual or simulated normal or perverted sex-  
23                 ual acts, or a lewd exhibition of the geni-  
24                 tals; and



1                   “(iii) taken as a whole, lacks serious  
2                   literary, artistic, political, or scientific  
3                   value as to minors.

4                   “(G) OBSCENE.—The term ‘obscene’ has  
5                   the meaning given such term in section 1460 of  
6                   title 18, United States Code.

7                   “(H) SEXUAL ACT; SEXUAL CONTACT.—  
8                   The terms ‘sexual act’ and ‘sexual contact’ have  
9                   the meanings given such terms in section 2246  
10                  of title 18, United States Code.

11                  “(b) EFFECTIVE DATE.—This section shall take ef-  
12                  fect 120 days after the date of the enactment of the Chil-  
13                  dren’s Internet Protection Act.

14                  “(c) SEPARABILITY.—If any provision of this section  
15                  is held invalid, the remainder of this section shall not be  
16                  affected thereby.”.

17   **SEC. \_\_\_12. LIMITATION ON AVAILABILITY OF CERTAIN**  
18                                   **FUNDS FOR LIBRARIES.**

19                  (a) AMENDMENT.—Section 224 of the Museum and  
20   Library Services Act (20 U.S.C. 9134(b)) is amended—

21                               (1) in subsection (b)—

22                                       (A) by redesignating paragraph (6) as  
23                                       paragraph (7); and

24                                       (B) by inserting after paragraph (5) the  
25                                       following new paragraph:



1           “(6) provide assurances that the State will com-  
2           ply with subsection (f); and”; and

3           (2) by adding at the end the following new sub-  
4           section:

5           “(f) INTERNET SAFETY.—

6           “(1) IN GENERAL.—No funds made available  
7           under this Act for a library described in section  
8           213(2)(A) or (B) that does not receive services at  
9           discount rates under section 254(h)(6) of the Com-  
10          munications Act of 1934, as added by section  
11          \_\_\_\_21 of this Children’s Internet Protection Act,  
12          may be used to purchase computers used to access  
13          the Internet, or to pay for direct costs associated  
14          with accessing the Internet, for such library  
15          unless—

16                 “(A) such library—

17                         “(i) has in place a policy of Internet  
18                         safety for minors that includes the oper-  
19                         ation of a technology protection measure  
20                         with respect to any of its computers with  
21                         Internet access that protects against access  
22                         through such computers to visual depic-  
23                         tions that are—

24                                 “(I) obscene;

25                                 “(II) child pornography; or



1 “(III) harmful to minors; and

2 “(ii) is enforcing the operation of such  
3 technology protection measure during any  
4 use of such computers by minors; and

5 “(B) such library—

6 “(i) has in place a policy of Internet  
7 safety that includes the operation of a  
8 technology protection measure with respect  
9 to any of its computers with Internet ac-  
10 cess that protects against access through  
11 such computers to visual depictions that  
12 are—

13 “(I) obscene; or

14 “(II) child pornography; and

15 “(ii) is enforcing the operation of such  
16 technology protection measure during any  
17 use of such computers.

18 “(2) ACCESS TO OTHER MATERIALS.—Nothing  
19 in this subsection shall be construed to prohibit a li-  
20 brary from limiting Internet access to or otherwise  
21 protecting against materials other than those re-  
22 ferred to in subclauses (I), (II), and (III) of para-  
23 graph (1)(A)(i).

24 “(3) DISABLING DURING CERTAIN USE.—An  
25 administrator, supervisor, or other authority may



1       disable a technology protection measure under para-  
2       graph (1) to enable access for bona fide research or  
3       other lawful purposes.

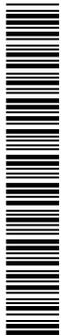
4               “(4) TIMING AND APPLICABILITY OF IMPLE-  
5       MENTATION.—

6               “(A) IN GENERAL.—A library covered by  
7       paragraph (1) shall certify the compliance of  
8       such library with the requirements of paragraph  
9       (1) as part of the application process for the  
10      next program funding year under this Act fol-  
11      lowing the effective date of this subsection, and  
12      for each subsequent program funding year  
13      thereafter.

14              “(B) PROCESS.—

15              “(i) LIBRARIES WITH INTERNET  
16      SAFETY POLICIES AND TECHNOLOGY PRO-  
17      TECTION MEASURES IN PLACE.—A library  
18      covered by paragraph (1) that has in place  
19      an Internet safety policy meeting the re-  
20      quirements of paragraph (1) shall certify  
21      its compliance with paragraph (1) during  
22      each annual program application cycle  
23      under this Act.

24              “(ii) LIBRARIES WITHOUT INTERNET  
25      SAFETY POLICIES AND TECHNOLOGY PRO-



1           TECTION MEASURES IN PLACE.—A library  
2 covered by paragraph (1) that does not  
3 have in place an Internet safety policy  
4 meeting the requirements of paragraph  
5 (1)—

6                           “(I) for the first program year  
7 after the effective date of this sub-  
8 section in which the library applies for  
9 funds under this Act, shall certify  
10 that it is undertaking such actions, in-  
11 cluding any necessary procurement  
12 procedures, to put in place an Inter-  
13 net safety policy that meets such re-  
14 quirements; and

15                           “(II) for the second program  
16 year after the effective date of this  
17 subsection in which the library applies  
18 for funds under this Act, shall certify  
19 that such library is in compliance with  
20 such requirements.

21           Any library covered by paragraph (1) that  
22 is unable to certify compliance with such  
23 requirements in such second program year  
24 shall be ineligible for all funding under this  
25 Act for such second program year and all



1 subsequent program years until such time  
2 as such library comes into compliance with  
3 such requirements.

4 “(iii) WAIVERS.—Any library subject  
5 to a certification under clause (ii)(II) that  
6 cannot make the certification otherwise re-  
7 quired by that clause may seek a waiver of  
8 that clause if State or local procurement  
9 rules or regulations or competitive bidding  
10 requirements prevent the making of the  
11 certification otherwise required by that  
12 clause. The library shall notify the Direc-  
13 tor of the Institute of Museum and Li-  
14 brary Services of the applicability of that  
15 clause to the library. Such notice shall cer-  
16 tify that the library will comply with the  
17 requirements in paragraph (1) before the  
18 start of the third program year after the  
19 effective date of this subsection for which  
20 the library is applying for funds under this  
21 Act.

22 “(5) NONCOMPLIANCE.—

23 “(A) USE OF GENERAL EDUCATION PROVI-  
24 SIONS ACT REMEDIES.—Whenever the Director  
25 of the Institute of Museum and Library Serv-



1           ices has reason to believe that any recipient of  
2           funds this Act is failing to comply substantially  
3           with the requirements of this subsection, the  
4           Director may—

5                   “(i) withhold further payments to the  
6                   recipient under this Act,

7                   “(ii) issue a complaint to compel com-  
8                   pliance of the recipient through a cease  
9                   and desist order, or

10                   “(iii) enter into a compliance agree-  
11                   ment with a recipient to bring it into com-  
12                   pliance with such requirements.

13                   “(B) RECOVERY OF FUNDS PROHIBITED.—  
14           The actions authorized by subparagraph (A)  
15           are the exclusive remedies available with respect  
16           to the failure of a library to comply substan-  
17           tially with a provision of this subsection, and  
18           the Director shall not seek a recovery of funds  
19           from the recipient for such failure.

20                   “(C) RECOMMENCEMENT OF PAYMENTS.—  
21           Whenever the Director determines (whether by  
22           certification or other appropriate evidence) that  
23           a recipient of funds who is subject to the with-  
24           holding of payments under subparagraph (A)(i)  
25           has cured the failure providing the basis for the



1           withholding of payments, the Director shall  
2           cease the withholding of payments to the recipi-  
3           ent under that subparagraph.

4           “(6) SEPARABILITY.—If any provision of this  
5           subsection is held invalid, the remainder of this sub-  
6           section shall not be affected thereby.

7           “(7) DEFINITIONS.—In this section:

8                   “(A) CHILD PORNOGRAPHY.—The term  
9                   ‘child pornography’ has the meaning given such  
10                  term in section 2256 of title 18, United States  
11                  Code.

12                  “(B) HARMFUL TO MINORS.—The term  
13                  ‘harmful to minors’ means any picture, image,  
14                  graphic image file, or other visual depiction  
15                  that—

16                          “(i) taken as a whole and with respect  
17                          to minors, appeals to a prurient interest in  
18                          nudity, sex, or excretion;

19                          “(ii) depicts, describes, or represents,  
20                          in a patently offensive way with respect to  
21                          what is suitable for minors, an actual or  
22                          simulated sexual act or sexual contact, ac-  
23                          tual or simulated normal or perverted sex-  
24                          ual acts, or a lewd exhibition of the geni-  
25                          tals; and



1                   “(iii) taken as a whole, lacks serious  
2                   literary, artistic, political, or scientific  
3                   value as to minors.

4                   “(C) MINOR.—The term ‘minor’ means an  
5                   individual who has not attained the age of 17.

6                   “(D) OBSCENE.—The term ‘obscene’ has  
7                   the meaning given such term in section 1460 of  
8                   title 18, United States Code.

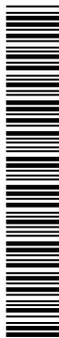
9                   “(E) SEXUAL ACT; SEXUAL CONTACT.—  
10                  The terms ‘sexual act’ and ‘sexual contact’ have  
11                  the meanings given such terms in section 2246  
12                  of title 18, United States Code.”.

13                  (b) EFFECTIVE DATE.—The amendment made by  
14                  this section shall take effect 120 days after the date of  
15                  the enactment of this Act.

16                  **Subtitle B—Universal Service**  
17                  **Discounts**

18                  **SEC. \_\_\_ 21. REQUIREMENT FOR SCHOOLS AND LIBRARIES**  
19                  **TO ENFORCE INTERNET SAFETY POLICIES**  
20                  **WITH TECHNOLOGY PROTECTION MEASURES**  
21                  **FOR COMPUTERS WITH INTERNET ACCESS AS**  
22                  **CONDITION OF UNIVERSAL SERVICE DIS-**  
23                  **COUNTS.**

24                  (a) SCHOOLS.—Section 254(h) of the Communica-  
25                  tions Act of 1934 (47 U.S.C. 254(h)) is amended—



1 (1) by redesignating paragraph (5) as para-  
2 graph (7); and

3 (2) by inserting after paragraph (4) the fol-  
4 lowing new paragraph (5):

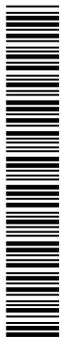
5 “(5) REQUIREMENTS FOR CERTAIN SCHOOLS  
6 WITH COMPUTERS HAVING INTERNET ACCESS.—

7 “(A) INTERNET SAFETY.—

8 “(i) IN GENERAL.—Except as pro-  
9 vided in clause (ii), an elementary or sec-  
10 ondary school having computers with  
11 Internet access may not receive services at  
12 discount rates under paragraph (1)(B) un-  
13 less the school, school board, local edu-  
14 cational agency, or other authority with re-  
15 sponsibility for administration of the  
16 school—

17 “(I) submits to the Commission  
18 the certifications described in sub-  
19 paragraphs (B) and (C);

20 “(II) submits to the Commission  
21 a certification that an Internet safety  
22 policy has been adopted and imple-  
23 mented for the school under sub-  
24 section (I); and



1                   “(III) ensures the use of such  
2                   computers in accordance with the cer-  
3                   tifications.

4                   “(ii) APPLICABILITY.—The prohibi-  
5                   tion in clause (i) shall not apply with re-  
6                   spect to a school that receives services at  
7                   discount rates under paragraph (1)(B)  
8                   only for purposes other than the provision  
9                   of Internet access, Internet service, or in-  
10                  ternal connections.

11                  “(iii) PUBLIC NOTICE; HEARING.—An  
12                  elementary or secondary school described  
13                  in clause (i), or the school board, local edu-  
14                  cational agency, or other authority with re-  
15                  sponsibility for administration of the  
16                  school, shall provide reasonable public no-  
17                  tice and hold at least 1 public hearing or  
18                  meeting to address the proposed Internet  
19                  safety policy. In the case of an elementary  
20                  or secondary school other than an elemen-  
21                  tary or secondary school as defined in sec-  
22                  tion 14101 of the Elementary and Sec-  
23                  ondary Education Act of 1965 (20 U.S.C.  
24                  8801), the notice and hearing required by  
25                  this clause may be limited to those mem-



1           bers of the public with a relationship to the  
2           school.

3           “(B) CERTIFICATION WITH RESPECT TO  
4           MINORS.—A certification under this subpara-  
5           graph is a certification that the school, school  
6           board, local educational agency, or other au-  
7           thority with responsibility for administration of  
8           the school—

9                   “(i) is enforcing a policy of Internet  
10                  safety for minors that includes monitoring  
11                  the online activities of minors and the op-  
12                  eration of a technology protection measure  
13                  with respect to any of its computers with  
14                  Internet access that protects against access  
15                  through such computers to visual depic-  
16                  tions that are—

17                           “(I) obscene;

18                           “(II) child pornography; or

19                           “(III) harmful to minors; and

20                   “(ii) is enforcing the operation of such  
21                  technology protection measure during any  
22                  use of such computers by minors.

23           “(C) CERTIFICATION WITH RESPECT TO  
24           ADULTS.—A certification under this paragraph  
25           is a certification that the school, school board,



1 local educational agency, or other authority  
2 with responsibility for administration of the  
3 school—

4 “(i) is enforcing a policy of Internet  
5 safety that includes the operation of a  
6 technology protection measure with respect  
7 to any of its computers with Internet ac-  
8 cess that protects against access through  
9 such computers to visual depictions that  
10 are—

11 “(I) obscene; or

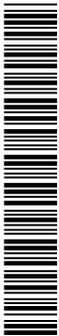
12 “(II) child pornography; and

13 “(ii) is enforcing the operation of such  
14 technology protection measure during any  
15 use of such computers.

16 “(D) DISABLING DURING ADULT USE.—An  
17 administrator, supervisor, or other person au-  
18 thorized by the certifying authority under sub-  
19 paragraph (A)(i) may disable the technology  
20 protection measure concerned, during use by an  
21 adult, to enable access for bona fide research or  
22 other lawful purpose.

23 “(E) TIMING OF IMPLEMENTATION.—

24 “(i) IN GENERAL.—Subject to clause  
25 (ii) in the case of any school covered by



1 this paragraph as of the effective date of  
2 this paragraph under section \_\_\_\_21(h) of  
3 the Children’s Internet Protection Act, the  
4 certification under subparagraphs (B) and  
5 (C) shall be made—

6 “(I) with respect to the first pro-  
7 gram funding year under this sub-  
8 section following such effective date,  
9 not later than 120 days after the be-  
10 ginning of such program funding year;  
11 and

12 “(II) with respect to any subse-  
13 quent program funding year, as part  
14 of the application process for such  
15 program funding year.

16 “(ii) PROCESS.—

17 “(I) SCHOOLS WITH INTERNET  
18 SAFETY POLICY AND TECHNOLOGY  
19 PROTECTION MEASURES IN PLACE.—

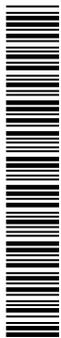
20 A school covered by clause (i) that has  
21 in place an Internet safety policy and  
22 technology protection measures meet-  
23 ing the requirements necessary for  
24 certification under subparagraphs (B)  
25 and (C) shall certify its compliance



1 with subparagraphs (B) and (C) dur-  
2 ing each annual program application  
3 cycle under this subsection, except  
4 that with respect to the first program  
5 funding year after the effective date  
6 of this paragraph under section  
7 \_\_\_\_21(h) of the Children’s Internet  
8 Protection Act, the certifications shall  
9 be made not later than 120 days after  
10 the beginning of such first program  
11 funding year.

12 “(II) SCHOOLS WITHOUT INTER-  
13 NET SAFETY POLICY AND TECH-  
14 NOLOGY PROTECTION MEASURES IN  
15 PLACE.—A school covered by clause  
16 (i) that does not have in place an  
17 Internet safety policy and technology  
18 protection measures meeting the re-  
19 quirements necessary for certification  
20 under subparagraphs (B) and (C)—

21 “(aa) for the first program  
22 year after the effective date of  
23 this subsection in which it is ap-  
24 plying for funds under this sub-  
25 section, shall certify that it is un-



1           dertaking such actions, including  
2           any necessary procurement pro-  
3           cedures, to put in place an Inter-  
4           net safety policy and technology  
5           protection measures meeting the  
6           requirements necessary for cer-  
7           tification under subparagraphs  
8           (B) and (C); and

9                   “(bb) for the second pro-  
10                  gram year after the effective date  
11                  of this subsection in which it is  
12                  applying for funds under this  
13                  subsection, shall certify that it is  
14                  in compliance with subpara-  
15                  graphs (B) and (C).

16           Any school that is unable to certify  
17           compliance with such requirements in  
18           such second program year shall be in-  
19           eligible for services at discount rates  
20           or funding in lieu of services at such  
21           rates under this subsection for such  
22           second year and all subsequent pro-  
23           gram years under this subsection,  
24           until such time as such school comes  
25           into compliance with this paragraph.



1                   “(III) WAIVERS.—Any school  
2                   subject to subclause (II) that cannot  
3                   come into compliance with subpara-  
4                   graphs (B) and (C) in such second  
5                   year program may seek a waiver of  
6                   subclause (II)(bb) if State or local  
7                   procurement rules or regulations or  
8                   competitive bidding requirements pre-  
9                   vent the making of the certification  
10                  otherwise required by such subclause.  
11                  A school, school board, local edu-  
12                  cational agency, or other authority  
13                  with responsibility for administration  
14                  of the school shall notify the Commis-  
15                  sion of the applicability of such sub-  
16                  clause to the school. Such notice shall  
17                  certify that the school in question will  
18                  be brought into compliance before the  
19                  start of the third program year after  
20                  the effective date of this subsection in  
21                  which the school is applying for funds  
22                  under this subsection.

23                  “(F) NONCOMPLIANCE.—

24                  “(i) FAILURE TO SUBMIT CERTIFI-  
25                  CATION.—Any school that knowingly fails



1 to comply with the application guidelines  
2 regarding the annual submission of certifi-  
3 cation required by this paragraph shall not  
4 be eligible for services at discount rates or  
5 funding in lieu of services at such rates  
6 under this subsection.

7 “(ii) FAILURE TO COMPLY WITH CER-  
8 TIFICATION.—Any school that knowingly  
9 fails to ensure the use of its computers in  
10 accordance with a certification under sub-  
11 paragraphs (B) and (C) shall reimburse  
12 any funds and discounts received under  
13 this subsection for the period covered by  
14 such certification.

15 “(iii) REMEDY OF NONCOMPLIANCE.—

16 “(I) FAILURE TO SUBMIT.—A  
17 school that has failed to submit a cer-  
18 tification under clause (i) may remedy  
19 the failure by submitting the certifi-  
20 cation to which the failure relates.  
21 Upon submittal of such certification,  
22 the school shall be eligible for services  
23 at discount rates under this sub-  
24 section.



1                   “(II) FAILURE TO COMPLY.—A  
2 school that has failed to comply with  
3 a certification as described in clause  
4 (ii) may remedy the failure by ensur-  
5 ing the use of its computers in accord-  
6 ance with such certification. Upon  
7 submittal to the Commission of a cer-  
8 tification or other appropriate evi-  
9 dence of such remedy, the school shall  
10 be eligible for services at discount  
11 rates under this subsection.”.

12           (b) LIBRARIES.—Such section 254(h) is further  
13 amended by inserting after paragraph (5), as amended by  
14 subsection (a) of this section, the following new para-  
15 graph:

16                   “(6) REQUIREMENTS FOR CERTAIN LIBRARIES  
17 WITH COMPUTERS HAVING INTERNET ACCESS.—

18                   “(A) INTERNET SAFETY.—

19                   “(i) IN GENERAL.—Except as pro-  
20 vided in clause (ii), a library having one or  
21 more computers with Internet access may  
22 not receive services at discount rates under  
23 paragraph (1)(B) unless the library—



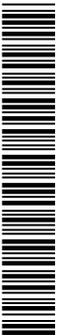
1                   “(I) submits to the Commission  
2                   the certifications described in sub-  
3                   paragraphs (B) and (C); and

4                   “(II) submits to the Commission  
5                   a certification that an Internet safety  
6                   policy has been adopted and imple-  
7                   mented for the library under sub-  
8                   section (I); and

9                   “(III) ensures the use of such  
10                  computers in accordance with the cer-  
11                  tifications.

12                 “(ii) APPLICABILITY.—The prohibi-  
13                 tion in clause (i) shall not apply with re-  
14                 spect to a library that receives services at  
15                 discount rates under paragraph (1)(B)  
16                 only for purposes other than the provision  
17                 of Internet access, Internet service, or in-  
18                 ternal connections.

19                 “(iii) PUBLIC NOTICE; HEARING.—A  
20                 library described in clause (i) shall provide  
21                 reasonable public notice and hold at least  
22                 1 public hearing or meeting to address the  
23                 proposed Internet safety policy.



1           “(B) CERTIFICATION WITH RESPECT TO  
2 MINORS.—A certification under this subpara-  
3 graph is a certification that the library—

4                   “(i) is enforcing a policy of Internet  
5 safety that includes the operation of a  
6 technology protection measure with respect  
7 to any of its computers with Internet ac-  
8 cess that protects against access through  
9 such computers to visual depictions that  
10 are—

11                           “(I) obscene;

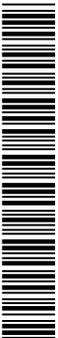
12                           “(II) child pornography; or

13                           “(III) harmful to minors; and

14                   “(ii) is enforcing the operation of such  
15 technology protection measure during any  
16 use of such computers by minors.

17           “(C) CERTIFICATION WITH RESPECT TO  
18 ADULTS.—A certification under this paragraph  
19 is a certification that the library—

20                   “(i) is enforcing a policy of Internet  
21 safety that includes the operation of a  
22 technology protection measure with respect  
23 to any of its computers with Internet ac-  
24 cess that protects against access through



1 such computers to visual depictions that  
2 are—

3 “(I) obscene; or

4 “(II) child pornography; and

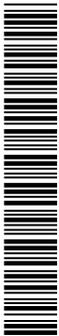
5 “(ii) is enforcing the operation of such  
6 technology protection measure during any  
7 use of such computers.

8 “(D) DISABLING DURING ADULT USE.—An  
9 administrator, supervisor, or other person au-  
10 thorized by the certifying authority under sub-  
11 paragraph (A)(i) may disable the technology  
12 protection measure concerned, during use by an  
13 adult, to enable access for bona fide research or  
14 other lawful purpose.

15 “(E) TIMING OF IMPLEMENTATION.—

16 “(i) IN GENERAL.—Subject to clause  
17 (ii) in the case of any library covered by  
18 this paragraph as of the effective date of  
19 this paragraph under section \_\_\_\_21(h) of  
20 the Children’s Internet Protection Act, the  
21 certification under subparagraphs (B) and  
22 (C) shall be made—

23 “(I) with respect to the first pro-  
24 gram funding year under this sub-  
25 section following such effective date,



1 not later than 120 days after the be-  
2 ginning of such program funding year;  
3 and

4 “(II) with respect to any subse-  
5 quent program funding year, as part  
6 of the application process for such  
7 program funding year.

8 “(ii) PROCESS.—

9 “(I) LIBRARIES WITH INTERNET  
10 SAFETY POLICY AND TECHNOLOGY  
11 PROTECTION MEASURES IN PLACE.—

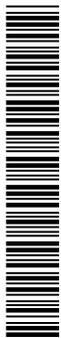
12 A library covered by clause (i) that  
13 has in place an Internet safety policy  
14 and technology protection measures  
15 meeting the requirements necessary  
16 for certification under subparagraphs  
17 (B) and (C) shall certify its compli-  
18 ance with subparagraphs (B) and (C)  
19 during each annual program applica-  
20 tion cycle under this subsection, ex-  
21 cept that with respect to the first pro-  
22 gram funding year after the effective  
23 date of this paragraph under section  
24 \_\_\_\_21(h) of the Children’s Internet  
25 Protection Act, the certifications shall



1 be made not later than 120 days after  
2 the beginning of such first program  
3 funding year.

4 “(II) LIBRARIES WITHOUT  
5 INTERNET SAFETY POLICY AND TECH-  
6 NOLOGY PROTECTION MEASURES IN  
7 PLACE.—A library covered by clause  
8 (i) that does not have in place an  
9 Internet safety policy and technology  
10 protection measures meeting the re-  
11 quirements necessary for certification  
12 under subparagraphs (B) and (C)—

13 “(aa) for the first program  
14 year after the effective date of  
15 this subsection in which it is ap-  
16 plying for funds under this sub-  
17 section, shall certify that it is un-  
18 dertaking such actions, including  
19 any necessary procurement pro-  
20 cedures, to put in place an Inter-  
21 net safety policy and technology  
22 protection measures meeting the  
23 requirements necessary for cer-  
24 tification under subparagraphs  
25 (B) and (C); and



1           “(bb) for the second pro-  
2           gram year after the effective date  
3           of this subsection in which it is  
4           applying for funds under this  
5           subsection, shall certify that it is  
6           in compliance with subpara-  
7           graphs (B) and (C).

8           Any library that is unable to certify  
9           compliance with such requirements in  
10          such second program year shall be in-  
11          eligible for services at discount rates  
12          or funding in lieu of services at such  
13          rates under this subsection for such  
14          second year and all subsequent pro-  
15          gram years under this subsection,  
16          until such time as such library comes  
17          into compliance with this paragraph.

18          “(III) WAIVERS.—Any library  
19          subject to subclause (II) that cannot  
20          come into compliance with subpara-  
21          graphs (B) and (C) in such second  
22          year may seek a waiver of subclause  
23          (II)(bb) if State or local procurement  
24          rules or regulations or competitive  
25          bidding requirements prevent the



1 making of the certification otherwise  
2 required by such subclause. A library,  
3 library board, or other authority with  
4 responsibility for administration of the  
5 library shall notify the Commission of  
6 the applicability of such subclause to  
7 the library. Such notice shall certify  
8 that the library in question will be  
9 brought into compliance before the  
10 start of the third program year after  
11 the effective date of this subsection in  
12 which the library is applying for funds  
13 under this subsection.

14 “(F) NONCOMPLIANCE.—

15 “(i) FAILURE TO SUBMIT CERTIFI-  
16 CATION.—Any library that knowingly fails  
17 to comply with the application guidelines  
18 regarding the annual submission of certifi-  
19 cation required by this paragraph shall not  
20 be eligible for services at discount rates or  
21 funding in lieu of services at such rates  
22 under this subsection.

23 “(ii) FAILURE TO COMPLY WITH CER-  
24 TIFICATION.—Any library that knowingly  
25 fails to ensure the use of its computers in



1 accordance with a certification under sub-  
2 paragraphs (B) and (C) shall reimburse all  
3 funds and discounts received under this  
4 subsection for the period covered by such  
5 certification.

6 “(iii) REMEDY OF NONCOMPLIANCE.—

7 “(I) FAILURE TO SUBMIT.—A li-  
8 brary that has failed to submit a cer-  
9 tification under clause (i) may remedy  
10 the failure by submitting the certifi-  
11 cation to which the failure relates.  
12 Upon submittal of such certification,  
13 the library shall be eligible for services  
14 at discount rates under this sub-  
15 section.

16 “(II) FAILURE TO COMPLY.—A  
17 library that has failed to comply with  
18 a certification as described in clause  
19 (ii) may remedy the failure by ensur-  
20 ing the use of its computers in accord-  
21 ance with such certification. Upon  
22 submittal to the Commission of a cer-  
23 tification or other appropriate evi-  
24 dence of such remedy, the library



1 shall be eligible for services at dis-  
2 count rates under this subsection.”.

3 (c) DEFINITIONS.—Paragraph (7) of such section, as  
4 redesignated by subsection (a)(1) of this section, is  
5 amended by adding at the end the following:

6 “(D) MINOR.—The term ‘minor’ means  
7 any individual who has not attained the age of  
8 17 years.

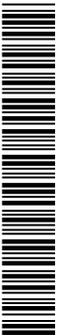
9 “(E) OBSCENE.—The term ‘obscene’ has  
10 the meaning given such term in section 1460 of  
11 title 18, United States Code.

12 “(F) CHILD PORNOGRAPHY.—The term  
13 ‘child pornography’ has the meaning given such  
14 term in section 2256 of title 18, United States  
15 Code.

16 “(G) HARMFUL TO MINORS.—The term  
17 ‘harmful to minors’ means any picture, image,  
18 graphic image file, or other visual depiction  
19 that—

20 “(i) taken as a whole and with respect  
21 to minors, appeals to a prurient interest in  
22 nudity, sex, or excretion;

23 “(ii) depicts, describes, or represents,  
24 in a patently offensive way with respect to  
25 what is suitable for minors, an actual or



1 simulated sexual act or sexual contact, ac-  
2 tual or simulated normal or perverted sex-  
3 ual acts, or a lewd exhibition of the geni-  
4 tals; and

5 “(iii) taken as a whole, lacks serious  
6 literary, artistic, political, or scientific  
7 value as to minors.

8 “(H) SEXUAL ACT; SEXUAL CONTACT.—  
9 The terms ‘sexual act’ and ‘sexual contact’ have  
10 the meanings given such terms in section 2246  
11 of title 18, United States Code.

12 “(I) TECHNOLOGY PROTECTION MEAS-  
13 URE.—The term ‘technology protection meas-  
14 ure’ means a specific technology that blocks or  
15 filters Internet access to the material covered  
16 by a certification under paragraph (5) or (6) to  
17 which such certification relates.”.

18 (d) CONFORMING AMENDMENT.—Paragraph (4) of  
19 such section is amended by striking “paragraph (5)(A)”  
20 and inserting “paragraph (7)(A)”.

21 (e) SEPARABILITY.—If any provision of paragraph  
22 (5) or (6) of section 254(h) of the Communications Act  
23 of 1934, as amended by this section, or the application  
24 thereof to any person or circumstance is held invalid, the  
25 remainder of such paragraph and the application of such



1 paragraph to other persons or circumstances shall not be  
2 affected thereby.

3 (f) REGULATIONS.—

4 (1) REQUIREMENT.—The Federal Communica-  
5 tions Commission shall prescribe regulations for pur-  
6 poses of administering the provisions of paragraphs  
7 (5) and (6) of section 254(h) of the Communications  
8 Act of 1934, as amended by this section.

9 (2) DEADLINE.—Notwithstanding any other  
10 provision of law, the Commission shall prescribe reg-  
11 ulations under paragraph (1) so as to ensure that  
12 such regulations take effect 120 days after the date  
13 of the enactment of this Act.

14 (g) AVAILABILITY OF CERTAIN FUNDS FOR ACQUI-  
15 TION OF TECHNOLOGY PROTECTION MEASURES.

16 (1) IN GENERAL.—Notwithstanding any other  
17 provision of law, funds available under section 3134  
18 or part A of title VI of the Elementary and Sec-  
19 ondary Education Act of 1965, or under section 231  
20 of the Library Services and Technology Act, may be  
21 used for the purchase or acquisition of technology  
22 protection measures that are necessary to meet the  
23 requirements of this title and the amendments made  
24 by this title. No other sources of funds for the pur-



1 chase or acquisition of such measures are authorized  
2 by this title, or the amendments made by this title.

3 (2) TECHNOLOGY PROTECTION MEASURE DE-  
4 FINED.—In this section, the term “technology pro-  
5 tection measure” has the meaning given that term  
6 in section \_\_\_\_ 03.

7 (h) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect 120 days after the date of  
9 the enactment of this Act.

## 10 **Subtitle C—Neighborhood** 11 **Children’s Internet Protection**

12 **SEC. \_\_\_\_ 31. SHORT TITLE.**

13 This subtitle may be cited as the “Neighborhood Chil-  
14 dren’s Internet Protection Act”.

15 **SEC. \_\_\_\_ 32. INTERNET SAFETY POLICY REQUIRED.**

16 Section 254 of the Communications Act of 1934 (47  
17 U.S.C. 254) is amended by adding at the end the fol-  
18 lowing:

19 “(l) INTERNET SAFETY POLICY REQUIREMENT FOR  
20 SCHOOLS AND LIBRARIES.—

21 “(1) IN GENERAL.—In carrying out its respon-  
22 sibilities under subsection (h), each school or library  
23 to which subsection (h) applies shall—

24 “(A) adopt and implement an Internet  
25 safety policy that addresses—



1           “(i) access by minors to inappropriate  
2 matter on the Internet and World Wide  
3 Web;

4           “(ii) the safety and security of minors  
5 when using electronic mail, chat rooms,  
6 and other forms of direct electronic com-  
7 munications;

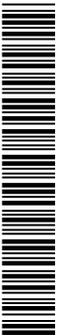
8           “(iii) unauthorized access, including  
9 so-called ‘hacking’, and other unlawful ac-  
10 tivities by minors online;

11           “(iv) unauthorized disclosure, use,  
12 and dissemination of personal identifica-  
13 tion information regarding minors; and

14           “(v) measures designed to restrict mi-  
15 nors’ access to materials harmful to mi-  
16 nors; and

17           “(B) provide reasonable public notice and  
18 hold at least one public hearing or meeting to  
19 address the proposed Internet safety policy.

20           “(2) LOCAL DETERMINATION OF CONTENT.—A  
21 determination regarding what matter is inappro-  
22 priate for minors shall be made by the school board,  
23 local educational agency, library, or other authority  
24 responsible for making the determination. No agency



1 or instrumentality of the United States Government  
2 may—

3 “(A) establish criteria for making such de-  
4 termination;

5 “(B) review the determination made by the  
6 certifying school, school board, local educational  
7 agency, library, or other authority; or

8 “(C) consider the criteria employed by the  
9 certifying school, school board, local educational  
10 agency, library, or other authority in the ad-  
11 ministration of subsection (h)(1)(B).

12 “(3) AVAILABILITY FOR REVIEW.—Each Inter-  
13 net safety policy adopted under this subsection shall  
14 be made available to the Commission, upon request  
15 of the Commission, by the school, school board, local  
16 educational agency, library, or other authority re-  
17 sponsible for adopting such Internet safety policy for  
18 purposes of the review of such Internet safety policy  
19 by the Commission.

20 “(4) EFFECTIVE DATE.—This subsection shall  
21 apply with respect to schools and libraries on or  
22 after the date that is 120 days after the date of the  
23 enactment of the Children’s Internet Protection  
24 Act.”.



1 **SEC. \_\_\_\_ 33. IMPLEMENTING REGULATIONS.**

2 Not later than 120 days after the date of enactment  
3 of this Act, the Federal Communications Commission shall  
4 prescribe regulations for purposes of section 254(l) of the  
5 Communications Act of 1934, as added by section \_\_\_\_ 32  
6 of this Act.

7 **Subtitle D—Expedited Review**

8 **SEC. \_\_\_\_ 41. EXPEDITED REVIEW.**

9 (a) **THREE-JUDGE DISTRICT COURT HEARING.**—  
10 Notwithstanding any other provision of law, any civil ac-  
11 tion challenging the constitutionality, on its face, of this  
12 title or any amendment made by this title, or any provision  
13 thereof, shall be heard by a district court of 3 judges con-  
14 vened pursuant to the provisions of section 2284 of title  
15 28, United States Code.

16 (b) **APPELLATE REVIEW.**—Notwithstanding any  
17 other provision of law, an interlocutory or final judgment,  
18 decree, or order of the court of 3 judges in an action under  
19 subsection (a) holding this title or an amendment made  
20 by this title, or any provision thereof, unconstitutional  
21 shall be reviewable as a matter of right by direct appeal  
22 to the Supreme Court. Any such appeal shall be filed not  
23 more than 20 days after entry of such judgment, decree,  
24 or order.

